

REMARKS

This Amendment and Request for Reconsideration is submitted in response to an outstanding Office Action dated May 7, 2003, the shortened statutory period for response having expired on August 7, 2003. Accordingly, a Petition and Fee for Extension of time are included herewith.

I. Status of the Claims

By this Amendment, claims 15 and 16 have been cancelled and claims 11, 12, 14, 26, and 27 have been amended. Claims 1-7, 11-14, 17-23, and 26-27 are therefore now pending in this application. Claims 1, 11, 14, 23, 26, and 27 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-4, 7, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Alperovich and Borst. The applicant respectfully traverses the rejection. The invention of claims 1-4, 7, and 23 is characterized by deciding the charge rate for communication within the wireless cell, based on the situation determined by the determination means and the threshold having the hysteresis characteristic stored in the memory means.

In contrast, Alperovich discloses changing of a charging rate when an available channel resource level exceeds the threshold value, notifying of a new charging rate to mobile apparatus determined by MSD and indicating of the notified charging rate by a mobile apparatus.

In Borst, it is disclosed that hysteresis characteristics are incorporated into the threshold value of receiving intensity when a channel is shifted according to the threshold value

of a receiving intensity. Borst discloses that hysteresis characteristics are incorporated into the threshold value of receiving intensity. However, Borst fails to suggest or disclose that hysteresis characteristics are incorporated into the threshold value to shift a charging rate. In addition, the term "cost" as used in the specification of Borst does not imply "cost" as a fee but instead implies "loss" of communication quality caused by radio interference. Therefore, applicants respectfully submits that Borst fails to disclose the claimed charging rate.

For these reasons, the applicant respectfully submits that Alperovich and Borst individually and in combination neither suggest nor disclose all of the features of independent claims 1 and 23, and the claims that depend therefrom.

The Examiner has rejected claims 11-13, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Alperovich and Beddoes. The applicant respectfully traverses the rejection. The invention of claims 11-13, and 26 is characterized by receiving charge rate information received by the mobile apparatus; deciding a wireless controller to be connected to the mobile apparatus based on the charge rate information received by the receiving means and the charge rate identified by the identification means; and controlling to connect the wireless controller decided by the decision means and mobile apparatus.

The disclosure of Alperovich has been summarized above. Beddoes discloses that a base station notifies a charging rate to a mobile apparatus, the notified charging rate is indicated by the mobile apparatus.

Applicant respectfully submits that Alperovich and Beddoes individually and in combination at least fail to disclose or suggest the claimed receiving charge rate information received by the mobile apparatus. Further, the combination of references neither disclose nor suggest receiving charge rate information received by the mobile apparatus; deciding a wireless

controller to be connected to the mobile apparatus based on the charge rate information received by the receiving means and the charge rate identified by the identification means; and controlling to connect the wireless controller decided by the decision means and mobile apparatus.

For these reasons, the applicant respectfully submits that Alperovich and Beddoes individually and in combination neither suggest nor disclose all of the features of independent claims 11 and 26 and the claims that depend therefrom.

The Examiner has rejected claims 14-16, 19-22, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Alperovich in view of Reiken. The applicant respectfully traverses the rejection. The invention of claims 14-16, 19-22, and 27 is characterized by notifying alarm in which charging rate of communication exceeds charging rate set by the user based on the charge rate stored in the storage step and the charge rate received in the reception step.

Applicant respectfully submits that Alperovich merely discloses that a network indicates information in which a charging rate is changed, notifies the changed charging rate to the mobile apparatus and indicates that change of a charging rate when a charging rate is changed. Applicant also submits that Reiken merely discloses that a user confirms the charging rate notified by a service provider and determines whether a communication is executed. Applicant submits that Alperovich and Reiken individually and in combination fail to suggest or disclose notifying alarm in which charging rate of communication exceeds charging rate set by the user based on the charge rate stored and the charge rate received.

For these reasons, applicant respectfully submits that Alperovich and Reiken individually and in combination neither suggest nor disclose all of the features of independent claims 14 and 27, and the claims that depend therefrom.

The Examiner has also rejected claims 5-6 under 35 U.S.C. § 103(a) as being unpatentable over Alperovich in view of Borst and Reiken.

Applicant submits that at least for the reasons provided above with respect to claim 1, the combination of references does not suggest or disclose the features of claims 5 and 6.

Finally, the Examiner has rejected claims 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Alperovich in view of Reiken and Hillis.

Applicant submits that at least for the reasons provided above with respect to claim 14, the combination of references does not suggest or disclose the features of claims 17 and 18.

III Request for Reconsideration

Applicants respectfully submit that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,

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